IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4749 of 2005

Between:

Thota Satyanarayana S/o.Koteshwar Rao
R/o.Kollaparru Village, Akiveedu Mandal, West Godavari District.

..... PETITIONER

AND

1 Union of India represented by its Secretary, Ministry of Petroleum,

Shastri Bhavan, New Delhi.
2 The Hindustan Petroleum Corporation Ltd., represented by its Area

Manager, Siripuram, Visakhapatnam.
3 The Revenue Divisioanl Officer, Narasapuram, West Godavari

District.
4 The Mandal Revenue Officer, Akveedu, West Godavari District.
5 The Executive Officer, Akiveedu Gramapanchayat, Akiveedu, West

Godavari District.
6 Sri Swetha Filling Station, HPCL Dealer, Akiveedu, West Godavari

District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of writ of Mandamus declaring the action of the respondent Nos.3 and 4 in not conducting the survey and demarcating the land of the petitioner covered in Sy.No.488/1 situated at Aakiveedu Village and Mandal, West Godavari District and fix the boundaries as per my applications dt.10.2.2004 and 4.1.2005 as illegal, arbitrary, bad and against the principles of natural justice and consequently direct respondent Nos.3 and 4 to conduct survey of the land covered by Sy.No.488/1 situated at Aakiveedu Village and Mandal, West Godavari District and fix the boundaries as per my applications dt.10.2.2004 and 4.1.2005 and pass such other and

further order or orders.

Counsel for the Petitioner:MR.C.DAMODHAR REDDY

Counsel for the Respondents No.1: MR.A.RAJASHEKAR REDDY (ASSISTANT SG)

Counsel for Respondents 2 and 6: Mr.P.V.Sanjeeva Kumar

Counsel for respondents 3 and 5: G.P. for Revenue

The Court at the stage of admission made the following ORDER:

The petitioner claims to have submitted applications on 10.02.2004 and 04.01.2005 to the fourth respondent to conduct survey and to fix the boundaries to the land in survey No.488/1 of Aakiveedu village, West Godavari district. The petitioner states that he is the absolute owner of the land and taking advantage of the absence of clear-cut demarcations, the sixth respondent is attempting to encroach into his land. He seeks necessary directions to the fourth respondent to undertake survey.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The A.P. Survey and Boundaries Act prescribes the procedure for conducting survey and fixation of boundaries for the lands. The applications are required to be made in prescribed forms and fee is stipulated for conducting such operations. It is not known whether the applications filed by the petitioner are in the prescribed form. Be that as it may, once the petitioner had approached the fourth respondent to conduct the survey, the mater cannot be kept pending indefinitely. Such a delay would give rise to several disputes.

Hence, the writ petition is disposed of directing that the fourth respondent shall take necessary steps, in pursuance of the applications submitted by the petitioner on 10.02.2004 and 04.01.2005. If he finds that the applications are defective in any manner, be it as regards form or fee, he shall intimate the same to the petitioner and on compliance with such deficiencies, he shall conclude the survey and fixation of boundaries within a period of four weeks on such compliance. There shall be no order as to costs.

11.03.2005

Note:

Issue CC in three days.

(BO)

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To

1 The Secretary, Union of India Ministry of Petroleum,

Shastri Bhavan, New Delhi.
2 Area Manager, Hindustan Petroleum Corporation Ltd., Siripuram, Visakhapatnam.
3 The Revenue Divisioanl Officer, Narasapuram, West Godavari

District.
4 The Mandal Revenue Officer, Akveedu, West Godavari District.
5 The Executive Officer, Akiveedu Gramapanchayat, Akiveedu, West

Godavari.
6 Two CCs. to the G.P. for Revenue, High Court of A.P,, Hyderabad

(OUT).

7 2 CD copies

8 1 CC to MR.NOUSHAD ALI

*Form-NIC-OGS/WP{**MPL**}*